



Docket No: AM100143

Patent

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6-19-03
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Gregory S. Friedrichs, et al
Application No.: 09/779,039 Group No.: 1646
Filed: February 8, 2001 Examiner: Joseph F. Murphy
For: Method of Treating or Inhibiting Cellular Injury or Cell Death
Confirmation No.: 4428
Customer Number: 25291

Commissioner for Patents
Washington, DC 20231

RESPONSE UNDER 37 C.F.R. §1.111

The following is responsive to the Office Action dated October 21, 2002 received in the above-identified patent application, the period for response being extended to March 21, 2003 based on the filing herewith of a petition for Two Months Extension of Time.

REMARKS

Claims 1-5, 7-11 and 13-16 are pending in this application.

At page 2 of the Office Action, the Examiner repeated the restriction requirement set forth in the Office Action July 1, 2001. Applicants hereby reaffirm the election of claims 1-5, 7-11 and 13-16 for prosecution in this application.

At pages 2 and 3 of the Office Action, the Examiner rejected claims 1-5, 7, 9-11 and 13-16 under 35 USC §102(b) as anticipated by the Deswal et al (1999) article. The Examiner argued that Deswal teaches the administration of a TNF antagonist to treat patients in need of a therapy for an ischemic event.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV212532418US addressed to the Commissioner for Patents, Washington, DC 20231.

March 21, 2003
Date

Bubinea D. Owens
Bubinea D. Owens

03/28/2003 BABRAHA1 00000037 011425 09779039

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03-24-03

Docket No: AM100143

Patent

GP/1646

UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 09/779,039 Group Art No.: 1646
Filed: February 8, 2001 Examiner: Joseph F. Murphy
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Sir:

AMENDMENT TRANSMITTAL LETTER

1. Transmitted herewith for filing is an amendment for this application.

PETITION FOR EXTENSION OF TIME

2. (a) Applicant petitions for an extension of the time for the total number of months checked below:

<input type="checkbox"/>	One Month.	Fee in the amount of	\$ 110.00
<input checked="" type="checkbox"/>	Two Months.	Fee in the amount of	\$ 410.00
<input type="checkbox"/>	Three Months.	Fee in the amount of	\$ 930.00
<input type="checkbox"/>	Four Months.	Fee in the amount of	\$ 1,450.00
<input type="checkbox"/>	Five Months.	Fee in the amount of	\$ 1,970.00

CERTIFICATE OF MAILING 37 CFR §1.10

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If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for month(s) has already been secured and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

OR

(b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Extension fee due with this request: \$410.00

FEE FOR CLAIMS

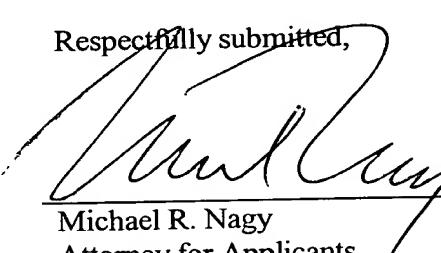
3. The fee for claims has been calculated as shown below:

CLAIMS AS AMENDED					
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) HIGHEST NUMBER PAID FOR	(4) NUMBER EXTRA x RATE		(5) ADDITIONAL FEE
TOTAL CLAIMS	17	17	0	X \$ 18.00	0.00
INDEPENDENT CLAIMS	3	3	0	X \$ 84.00	0.00
MULTIPLE DEPENDENCY FEE				\$ 280.00	
Total Amendment Fee:				\$0.00	

No additional fee for claims is required.
 Total additional fee for claims required: \$0.00.

4. Method of Payment of Fees:
Charge Deposit Account No. 01-1425 in the amount of: \$410.00.
A duplicate of this transmittal is attached.
5. Instructions as to Overpayment:
Credit any overpayment to Deposit Account No. 01-1425.
6. Authorization to Charge Additional Fees
 If any additional extension and/or fee for claims is required, charge Account No. 01-1425.

Respectfully submitted,



Michael R. Nagy
Attorney for Applicants
Reg. No. 33,432

Wyeth
Patent Law Department
Five Giralta Farms
Madison, NJ 07940
Tel. No. (610) 902-2624